

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

BILLIE PYERS

§

v.

§

CIVIL ACTION NO. 6:10cv259

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION

§

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that the decision of the Commissioner be reversed and remanded for the purpose of determining whether the Administrative Law Judge's rejection of Dr. Zeid's opinion is fully supported by substantial evidence under *Newton v. Apfel*, 209 F.3d 448, 456 (5th Cir. 2000), and whether Plaintiff's Residual Functional Capacity permits her to be exposed to moderate levels of noise. No written objections have been filed. The findings and conclusions of the Magistrate Judge are therefore adopted as those of the Court.


In light of the foregoing, it is

ORDERED that the Commissioner's decision is hereby **REVERSED AND REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further consideration and determination consistent with the findings herein. It is further

ORDERED that any motion not previously ruled on is **DENIED**.

It is SO ORDERED.

SIGNED this 8th day of March, 2012.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE